

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ANTHONY TERRELL JONES, #K3994

PETITIONER

VERSUS

CIVIL ACTION NO. 5:06cv145DCB-MTP

STATE OF MISSISSIPPI AND JIM HOOD

RESPONDENTS

ORDER DENYING REQUEST FOR *IN FORMA PAUPERIS* STATUS AND
REQUIRING PETITIONER TO PAY THE FILING FEE

Petitioner Anthony Terrell Jones, #K3994, an inmate at the Mississippi State Penitentiary, Parchman, Mississippi, has filed an application to proceed in forma pauperis in this cause. The petitioner states in his request for waiver of fees and costs that he has \$1,000.00 in his inmate account.

Section 28 U.S.C. § 1915(a) provides access to the courts if a petitioner does not have financial resources to pay any part of the statutory filing fee. See Williams v. Estelle, 681 F.2d 946 (5th Cir. 1982); Prows v. Kastner, 842 F.2d 138 (5th Cir. 1988). This court notes that the petitioner is currently incarcerated and does not pay for room, food, clothing or other incidental expenses. Under the circumstances, this court in exercising its discretion has determined that the petitioner has the financial resources to pay the \$5.00 filing fee. Therefore, petitioner's application to proceed in forma pauperis is not well-taken and is hereby denied. Accordingly, it is

ORDERED AND ADJUDGED:

1. That the petitioner's motion to proceed in forma pauperis is **denied**.

2. That petitioner has 20 days from the entry of this order to submit to this court the \$5.00 filing fee. If the filing fee is paid by the petitioner or someone other than the petitioner, there must be a written explanation that the money is being submitted as payment of the filing fee in this case on behalf of the petitioner, ANTHONY TERRELL JONES, #K3994.

3. That if the \$5.00 filing fee is not received, petitioner is hereby warned that this action may be dismissed without further written notice.

4. That the petitioner is further warned that failure to keep this court informed of his current address may result in this case being dismissed.

SO ORDERED this the 26th day of October, 2006.

s/David Bramlette
UNITED STATES DISTRICT JUDGE